

Minutes of a Regular Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, March 17, 1987, at 7:30 p.m.

Present: Joseph F. Janoski, Supervisor
John Lombardi, Councilman
Victor Prusinowski, Councilman
Louis Boschetti, Councilman
Robert Pike, Councilman

Also Present: Richard Ehlers, Town Attorney

Supervisor Janoski called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was recited.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, that the Minutes of Regular Board Meeting held on February 24 and March 3, 1987 and Special Board Meeting held on March 9, 1987 are dispensed without objection and be approved.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

BILLS

Bills submitted on abstract dated March 17, 1987 as follows:

Councilman Boschetti offered the following resolution which was seconded by Councilman Pike.

RESOLVED, that subject to complete audit, the following bills be approved for payment.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Supervisor Janoski, "The heads of departments of town government are present this evening should anyone have any question of them. Reports Mrs. Pendzick."

REPORTS

Tax Receiver-Collections as of 3/10/87: \$15,037,075.65. Filed

Conservation Advisory Council-Minutes of Meeting held on 2/25/87. Filed

Planning Board-Approves major subdivision "Baiting Hollow Estates" with conditions; and "Pheasant Run" with conditions; and recommends that premises at North Wading River Road be rezoned according to submitted map. Filed

OPEN BID REPORT - OFF THE ROAD TIRES - SANITATION DEPT. Filed

Bid Date: March 9, 1987 at 11:00 a.m.
1 Bid Submitted

#1 NAME: TOCE BROTHERS INC.
ADDRESS: 143 EAST MAIN STREET, TORRINGTON
TOTAL BID: Item I \$3,200.00 per tire
Item II \$2,500.00 per tire

OPEN BID REPORT - DILAPIDATED BUILDINGS Filed

Bid Date: March 12, 1987 at 11:00 a.m.
5 Bids Submitted

#1 NAME: RIVERHEAD CEMENT BLOCK
ADDRESS: BOX 707, RIVERHEAD
TOTAL BID: \$9,000.00

#2 NAME: MANIAC LEASING CORP.
ADDRESS: BOX 482, CALVERTON
TOTAL BID: \$10,570.75

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REPORTS Continued

#3 NAME: R.W. MASHMANN
ADDRESS: 30 INTERVALE ROAD, SETAUKET
TOTAL BID: \$12,900.00

#4 NAME: ROBERT TERRY CONTRACTING
ADDRESS: FOSTER AVENUE, HAMPTON BAYS
TOTAL BID: \$13,700.00

#5 NAME: HARBOR EXCAVATION
ADDRESS: BOX 500, JAMESPORT
TOTAL BID: \$21,000.00

OPEN BID REPORT - FLASHING SIGNALS - HIGHWAY DEPT.

Filed

Bid Date: March 16, 1987 at 11:00 a.m.
1 Bid Submitted

#1 NAME: HINCK ELECTRICAL CONTRACTOR INC.
ADDRESS: 160 IRISH LANE, ISLIP TERRACE
TOTAL BID: \$12,090.00

Supervisor Janoski, "Thank you, Mrs. Pendzick. Applications."

APPLICATIONS

Special Permit-Peconic Park Assoc. (5 story hotel and health club at corner of Northville Turnpike and Route 58.

Filed

Site Plan-Charles Dassaro (Shopping center, 4 buildings).

Filed

Supervisor Janoski, "Thank you. Correspondence."

CORRESPONDENCE

Dolores Johnston, 3/19/87-Asks that Sullivan mobile park expansion be denied and urges support for halt to extensions of trailer parks.

Filed

CORRESPONDENCE Continued

N.Y.S. D.O.T., 3/10/87-Recommends that a traffic impact study be submitted for application of Wm. Hubbard and advised that N.Y.S. Office of General Services should be consulted.

Filed

S.C. Dept. of Health, 3/11/87-Advising that they have not received copy of application for evaluation and that more documents needed for assessment.

Filed

Diana Muloady, 3/10/87-Asks for "no" vote re: Sullivan application and supports halt of extension of trailer parks.

Filed

R&S Barletta, 3/11/87-Asks for "no" vote re: Sullivan application and supports halt of extension of trailer parks.

Filed

Supervisor Janoski, "Thank you. The first public hearing is scheduled for 7:45. That time has not yet arrived. We have a lengthy list of Unfinished Business. If anybody has any question on anything under Unfinished Business, I'd be happy to answer it. I'd be happy to recognize anyone wishing to be heard at this time."

UNFINISHED BUSINESS

Dubois Smith-Site Plan for farm equipment sales, East Main St.

Rollin Hargis-Special Permit to add 23 units to existing park.

Joseph & Linda Sullivan-Special Permit to add 32 units to existing park.

Augusta Schneider-Special Permit for 162 condo units, Route 58.

Wm. Giranda (Atlas Realty)-Revised site plan for building to repair trailers.

Frank Tommasini-Site Plan for warehouse, Route 58.

Motel on the Bay-Special Permit to convert 20 motel units into condos.

Raymond & Julia Krivacsy-Special Permit for boat building.

Charles Hydell-Special permit for woodworking shop, Raynor Ave.

Richard Homan-Site Plan for addition to ice cream store.

Suffolk Cement Products-Special Permit for resource recycling plant.

Oceanside Enterprises-Special Permit/Change of Zone for 81 condos.

Richard Homan-Special Permit for overhang on ice cream store.

UNFINISHED BUSINESS Continued

Wm. Hubbard-Special Permit for 389 condo units and health club on Route 105.

Valmont Homes-Special Permit for 113 condo units, Elton Ave.

Victor Pafundi-Site Plan for retail and offices, Route 25.

East River Equities-Site Plan for 5 office buildings.

Fred Moore-Change of Zone for Sr. Citizen housing, Edwards Ave.

Kentucky Fried Chicken-Site Plan to renovate and add drive-in.

L.P.B. Wading River-Site Plan for addition to office building.

E.&C. Kempermann-Site Plan for sunroom addition to Crossroads Restaurant, Route 25.

PERSONAL APPEARANCES

George Dalecki, Wading River, "I would merely like to express my disappointment at hearing a phrase, a cliché (if you will) that I don't believe the Town Board ought to have in its vocabulary considering the serious decision making that's involved. That phrase being; in the eleventh hour we can't do this or that. If in the eleventh hour we could have avoided World War II or Three Mile Harbor Island, even the latest Long Island Railroad Strike, I think anybody would have done so. And would have even in fact, felt morally obligated to do so. When in fact, we are on one hand proposing to protect wetlands, protect farmlands, protect rural characters of neighborhoods and then on the other hand allow a developer to simply step in and squeeze five families where only one rightfully belongs. I think we're bordering on the line of hypocrisy. And at that point, it's time to change our minds about the way things are being done here. We're just leaving ourselves open to a long line of greedy and dishonest people applying for things and knowing full well that in the eleventh hour, they're just going to get it. Thank you."

Supervisor Janoski, "Thank you. Is there anyone else who wishes to be heard? Steve."

Steve Haizlip, Calverton, "Mr. Janoski and the other Board members. I don't know if I'm in order or not but I'm going to ask and see if I am. Can I submit a resolution from the floor here?"

Supervisor Janoski, "No. But you can suggest one that the Board could submit."

Steve Haizlip, "I was just going to change that phrase and say; can I recommend or add."

Supervisor Janoski, "Getting into introducing resolutions takes about 35 hundred votes."

PERSONAL APPEARANCES Continued

Steve Haizlip, "I would like to have the Town Board to write and go on record to the federal registry on this nuclear power plant opposition to the nuclear rectatory commission where it was 60 days allowed. And I know the Town Board is against because I know you submitted resolution 246 (I think it was) to Mr. Reagan and got an answer back and so forth. So I've got my letter all ready to go. So I want to know if the Town Board would like to go on record and write a letter to the national registry because I have the address here and everybody you have to write to. Ok?"

Supervisor Janoski, "Why don't you put it on the record; the address."

Steve Haizlip, "It's the Secretary of the Commission, Nuclear Regulatory Commission, Washington D.C., 20555. And it is attention: Document and Service Branch and to the Chairman and Commisssioners of the NRC."

Supervisor Janoski, "Thank you, Steve. Is there anyone else wishing to be heard at this time? Then let us take up the resolutions."

RESOLUTIONS

#164 DECLARES TOWN BOARD AS LEAD AGENCY RE: CHANGE OF ZONE APPLICATION OF FREDERICK MOORE.

Councilman Prusinowski offered the following resolution to be brought off the ~~TABLE~~ for Town Board action which was seconded by Councilman Lombardi.

WHEREAS, Frederick Moore has applied for a change of zone for a Senior Citizen Retirement Community pursuant to Chapter 108 of the Code of the Town of Riverhead as to the premises located on the west side of Edwards Avenue, north of the Long Island Railroad, and

WHEREAS, pursuant to the Code of the Town of Riverhead, the New York State Environmental Conservation Law and part 617 of the New York Code of Rules and Regulations, the applicant has filed a long environmental assessment form prepared by the applicant, and

WHEREAS, it is necessary to evaluate the proposed action and its potential effects upon the environment and this Board is the principal decision making agency on the proposed action, and

NOW, THEREFORE, BE IT

RESOLVED, that this Board pursuant to the applicable statutes, laws and rules, does hereby designate itself as the "Lead Agency" for the purpose of reviewing the environmental impacts of the proposed use and does direct that the appropriate notice of said designation be served upon all other applicable jurisdictions, agencies, bodies and interested parties.

The vote, Boschetti, no, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly removed from the TABLE.

RESOLUTIONS Continued

Councilman Prusinowski offered resolution #164 which was seconded by Councilman Lombardi.

The vote, Boschetti, no, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#165 ORDER CALLING PUBLIC HEARING IN THE MATTER OF THE INCREASE AND IMPROVEMENT OF THE RIVERHEAD SEWER DISTRICT RE: RIVER-SIDE DRIVE LIFT STATION.

(See Sewer District Minutes)

#166 AWARDS BID FOR TIRES FOR SANITATION DEPARTMENT.

Councilman Pike offered the following resolution which was seconded by Councilman Boschetti.

WHEREAS, the Town Clerk was authorized to publish and post a Notice to Bidders for the purchase of tires for equipment for the Sanitation Department; and

WHEREAS, all bids were received, opened and read aloud pursuant to said Notice to Bidders; and

WHEREAS, a total of one (1) bid was received.

NOW, THEREFORE, BE IT

RESOLVED, that the bid for tires for the Sanitation Department be and is hereby awarded to Toce Brothers, Inc. in the amount of \$5,700.00; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Toce Brothers, Inc., 143 East Main Street, Torrington, CT, and the Riverhead Sanitation Department.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#167 APPROVES BUILDING PERMITS FOR SEVILLE BUILDERS, INC. FOR PROPERTY WITHIN A MORATORIUM.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, the Town Board of the Town of Riverhead has imposed a moratorium covering properties in the Southwest Sector in the Town of Riverhead; and

WHEREAS, this moratorium would preclude building permits for property owned by Seville Builders, Inc.; and

WHEREAS, the Board desires to permit building permits for Seville Builders, Inc.

NOW, THEREFORE, BE IT

RESOLVED, that the moratorium covering the Southwest Sector be and is hereby amended to permit Seville Builders, Inc., to construct modular homes on the property; and be it further

RESOLUTIONS Continued

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Seville Builders, Inc., and the Riverhead Building Department.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Supervisor Janoski, "Let the record show that the hour of 7:45 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 7:45 p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, March 17, 1987 at 7:45 p.m. to hear all interested persons regarding: The Special Permit Application of Raymond Kirvacsy to erect a one-story metal building to be used in the building of fiberglass fishing boats.

CORRESPONDENCE

Planning Board, 2/9/87:

Recommending application be approved.

Environmental Quality Review Board, 11/6/87:

Recommends that application as a Type II action.

Supervisor Janoski, "Thank you. Is there anyone present representing the applicant? Yes sir. Would you like to come forward to the microphone? State your name and address for the record and give us a brief description of what you'd like to do."

Raymond Krivacsy, Northport, "We have a piece of property on Line Road in Manorville. We want to erect a metal building, a one-story building and we'll be producing fiberglass fishing boats. There's not a lot to it. It's 21-foot fishing boats. It's a small operation. There will probably be three to four people working at the building."

Supervisor Janoski, "How large a piece of property is it?"

Raymond Krivacsy, "It's 4.2 acres. We'll be using approximately 10 thousand feet of that. I don't know what 4 acres are. It has to 280 some odd thousand square feet."

Supervisor Janoski, "Would you expect that the business might expand in the future?"

Raymond Krivacsy, "This is an expansion. God willing, it will expand but who knows when."

PUBLIC HEARING Continued

Councilman Pike, "What sorts of boats do you build?"

Raymond Krivacsy, "It's 21 foot deep "V" fishing boats. They could be had with inboard, outboard."

Councilman Pike, "Could you describe the process. Do you use molds and hand lathes?"

Raymond Krivacsy, "Yes. We use molds. The process is using a polyester resin. A catalyst is added to this polyester resin which solidifies it. The resin is then laid up on fiber-glass cloth. Approximately an hour or so will pass and everything becomes like a rock. There is no liquid waste involved in this process which I know is a concern. You pull the bulk of the boat out of the mold and you have a boat."

Councilman Pike, "The setting time on the liquid fiber-glass that you use is pretty fast, it sounds like."

Raymond Krivacsy, "Yes. Heat is generated which catalyzes the resin to harden."

Councilman Pike, "Well the reason it's interesting is the point that you mentioned is if you were ever to tip over a canister or to spill some of this. What would happen to it in your existing facility? Would it end up leaving the building in any way?"

Raymond Krivacsy, "No. It would be a cement floor. It's not going to go any.... If it was spilled, it would end up becoming like a rock anyway which could be chipped up."

Councilman Pike, "You graze your floor."

Raymond Krivacsy, "That's pretty much what you'd have to do. No. You could chip it off the cement. It wouldn't leave the plant in any kind of liquid state. It would stay."

Councilman Prusinowski, "Are you familiar with the article 7 regulations from the Health Department. And you, of course, will fully comply with them."

Raymond Krivacsy, "Yes, that and article 12 which states how much you can store. We'll be using only a 55-gallon drum. Once that is depleted or down to 5 gallons, there will be another 55-gallon drum ordered. The storage that we'll be using is really going to be none."

Councilman Prusinowski, "You are aware of the regulations then and do you fully intend to comply with them? You have to comply or you won't get a building permit."

Raymond Krivacsy, "Yes."

Councilman Boschetti, "Are there any other structures on the property presently?"

PUBLIC HEARING Continued

Raymond Krivacsy, "Nothing on this parcel of land."

Councilman Boschetti, "How large of a metal building do you intend to build?"

Raymond Krivacsy, "60 by 100. It will be 6 thousand square feet."

Councilman Boschetti, "And that would be one-story? What would be the height?"

Raymond Krivacsy, "14 feet on the sides and I think there's another 2 feet up to the peak. So the height would be 16 feet."

Councilman Boschetti, "Thank you."

Raymond Krivacsy, "There's two identical buildings on the road as it is now. So we're keeping within the same type of building that is there right next door."

Supervisor Janoski, "Thank you Raymond. Is there anyone else who wishes to address the Board on this application? Yes sir."

Ray Kreiger, Manorville, "Good evening. Just some of the questions that I had is what represents our little group of people we have out there, the taxpayers association. He answered some of the questions. The things we were going to bring up would be; the flammability of the materials stored because of the quantity of the woods around there. It's a densely wooded area. Any kind of fire could rapidly spread. Especially around the time of April and May. That's when a bad forest fire time is. So that's one of the concerns. The other would be the storage of the chemicals or solvents. Would it be liquid, solid or gaseous where there could be a potential harm to the environment due to a spill or anything like that? We'd like to see that the building doesn't have any floor drains. That would be a solid floor just in case there is an accidental spill. And one of the other concerns is; cleaning of tools that are used in the construction. What kind of solvents chemicals would be used in cleaning these tools? Where will this spent solvents or whatever, be stored or sent to? One of the other things is; once again, because there's a possibility of four industrial complexes on these four lots that are together there. And there being an industrial area now, we're once again asking for test wells in that area. So that if there should be any kind of contamination of the groundwater, that it can be contained to that four lot area and not caught at the first residence down flow from there. Those are just some of our concerns, major concerns that we have."

Councilman Boschetti, "Are you familiar with which way the water flows from there?"

Ray Kreiger, "As far as I know, it's flowing from north to south which would be from that area, the first resident south of there would be Eggerts. I'm not exactly sure of the water flow of the area. But with some of the problems that we read in the papers

PUBLIC HEARING ContinuedRay Kreiger, Continued

and the news, especially concerning Rocky Point, which ever way down flow is, is where we'd like to see the wells. So that they could be monitored on a regular basis just in case something does happen."

Councilman Prusinowski, "I have a suggestion for your group. I think what you should do is get a copy, and if I have one on my desk, of the article 7 and article 12 regulations and you should read them so you get an idea of some of the restrictions which are very severe which are put on businesses moving into this recharge area. Because a lot of those questions are answered. As you remember, the Town Board was concerned about some of those regulations earlier on which the Health Department has subsequently put in place any how. They are very severe. And some of them I know, for example; the drains in the floor and things like that. They don't allow anyhow. The purpose of the Health Department regulations are not to have, to have zero discharge into the groundwater. Zero. And they have restrictions on the amount of chemicals you can store and the number of gallons and things like that. They're very severe. And of course, we don't have that jurisdiction. The Health Department does and it's in the Pine Barrens and a deep recharge zone. So it will be good just so you know that when these applications come up, some of those questions are answered. That's why I asked him that question. Does he fully intend to comply and I know he has to otherwise he can't get a building permit."

Ray Kreiger, "Ok. Thank you very much."

Supervisor Janoski, "Thank you. Mr. Kasperovich, if you want to address this one, I'm going to have to recess and open the next meeting but we will open it again. Let the record show that this hearing is recessed. The hour of 7:55 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

7:45 PUBLIC HEARING RECESSED AT 7:55

PUBLIC HEARING - 7:55 p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, March 17, 1987 at 7:55 p.m. to hear all interested persons regarding: The Development of the Town of Riverhead's Community Development Block Grant Application for the fiscal year 1987.

Supervisor Janoski, "Thank you. Mr. Hanley, Director.... Why don't you tell everybody."

Richard Hanley, "My name is Richard Hanley. I'm the Town's Community Development Director. As has been the case since 1978, the Town of Riverhead has been invited to submit a Small Cities application (these are federal funds) for the town to the Department of Housing and Urban Development. The Small Cities funds are used

PUBLIC HEARING ContinuedRichard Hanley, Continued

in order to provide benefit to low to moderate income people. They are used to remove slum and blight from a community or they are used to address an eminent threat to the community. It should be understood that this program is somewhat competitive in nature in that the applications that will be selected will be from those communities that demonstrate the greatest need and whose application best address those needs demonstrated. For 1987, the Town of Riverhead can make application for a total of 400 thousand dollars. The range of activities which can be used.... I'm sorry. The range of activities for which funds can be used for; is very broad and I'd like to read them into the record if I can. They include; the acquisition and disposition of property for certain purposes; the construction of public facilities and improvements; clearance activities, provision of public services; interim assistance; payment of local share for matching grants; urban renewal completion; relocation and loss of rental income payments; removal of architectural barriers to the handicapped; activities related to the privately-owned utilities; rehabilitation of public residential structures; public housing modernization; rehabilitation of private properties; temporary relocation assistance; code enforcement; historic preservation; certain economic development activities; assistance to private non-profit entities; planning and urban design costs; fair housing counseling services; provision of assistance to facilitate performance and payment bonding; property management; environmental studies, and construction or rehabilitation of public facilities. For its 1987 grant, the Town of Riverhead proposes to take on the three activities. The first activity is; the acquisition of an 11-acre parcel in the Town of Riverhead in order to encourage the development of housing units which are affordable to residents within the community. Project funds will also be used for the provision of necessary infra-structure and utilities such as drainage, interior roadway, curbing and hook-up to the Riverhead Water District. The second project considered for this proposal would involve the use of Small Cities funds for the purchase of a parcel by the town for the construction of a community center near Stotsky Park. Federal funds will be used to acquire a five-acre parcel as well as provide for required site improvements. This project is expected to require 85 thousand dollars in grant funds. I neglected to say that the first project (which is the affordable housing project) is expected to require approximately 210 thousand dollars in grant funds. The third project involves the acquisition of two houses located approximate to the future site of the community center. The project would involve the acquisition of two properties and funds would be used to acquire and rehabilitate these properties. They would then be sold to Riverhead residents. This project is expected to require approximately 65 thousand dollars in grant funds. The activities that we're proposing for this year, involve the provision of affordable housing units and they involve the construction of a public facility and they involve the rehabilitation of substandard housing units. The proposal has a total cost of 400 thousand dollars including costs relative to administration. On Friday, March 20th, the proposed C.D. project will be available for public inspection and I would like at this time, invite all comments on the proposed application. Thank you."

PUBLIC HEARING Continued

Supervisor Janoski, "When must the application be submitted to HUD?"

Richard Hanley, "The application must be post marked on March 30th."

Supervisor Janoski, "Thank you Rick. Is there anyone present who wishes to address the Board on the matter of this application for Small Cities Block Grant? Yes sir. Henry."

Henry Pfeiffer, Wading River, "I'd like to voice my admiration and approval of the plans from Mr. Hanley. I think they are excellent. But in addition, if there's another dollar or two left; I would like to second the motion made in the local newspaper by Howard Smith which has to do with the expand or purchase or expansion of the premises of the theatre on Main Street which has recently closed down. He proposes and according to the letter, that this be converted into a culture center, stage and so forth and so on, where various types of entertainment can be brought to the Town of Riverhead 365 days a year and I would like to have something in the community that takes place at night that's more entertaining than the Town Board. Thank you."

Supervisor Janoski, "Gee, I thought we were really very entertaining. Mr. Kasperovich, you have about four or so minutes."

William Kasperovich, Wading River, "I don't see any request for monies for roads. In my area, we are desperately in need of improvements and it hasn't changed much over the years. I seem to hold on to the memory (for whatever reason, I don't know but there must be a purpose the good lord makes me remember it). Supervisor Janoski standing alongside me one nice summers day outside the Wading River Civic Association after addressing a meeting. He says to me and I practically quote you sir; Now, isn't that better than going to court. Everything looked very nice. Crushed rocks spread all over, uniform rolled down, pleasing to the eye. Two days later, the Town Highway Department comes in and vacuums up all the stone."

Supervisor Janoski, "We only loaned it to you. We didn't say you could keep it."

William Kasperovich, "I was quite, extremely embarassed when two engineers from New Jersey made a special trip to my house to see what my sister was talking about that I was so upset about. And these two gentlemen took a look professionally and said well; that's alright as long as they put a seal coat on it. I never saw, smelled or had any indication that you people were going to put a seal coat on. And so, now the road is shot. All the work that was done is gone with the weather. So a half baked job only had a half life span and we're back to square one looking for money to improve roads. I get an argument that well; when the pipes get put in, you will have to dig up the streets and we'll put money in there to do it. That's alright. That's money to fix the trenches that are created and refilled. But the highway problems, the road problems that are there now are still there. And after you put the pipes in and

PUBLIC HEARING ContinuedWilliam Kasperovich, Continued

fill the trenches and patch it up, the problems are not really solved. Now, whether we get a dollar or we get 100 thousand dollars, we need assistance in the Small Cities grants. And here it comes around the circle and you're not asking for any money in that direction which is a good example that what little we do, we've got to do it right so it lasts. We can't make a half measure and then every couple of years come back and look for more money to redo it. That is not my way of doing things and I think here we have a good example of how this process can work against us. So I feel some and don't get me wrong now, I'm not talking about resurfacing."

TAPE ENDED

William Kasperovich, "....about bus loaded (inaudible). They just live with it. And the purpose of this Small Cities grant is to take care of these kind of things. And as Mr. Hanley lists the different things that he's asking money for, not all of it is in dire need. Not all of it is..."

Supervisor Janoski, "Bill, I hate to interrupt you but you're over the five minutes. Could you just simply state for the record, if you would like to see money for the repair and maintenance for private roads included in the Small Cities grant."

William Kasperovich, "I'm not talking about private roads. I'm talking about roads that the town has taken over. I'm talking about Hulse Avenue, Park Street."

Supervisor Janoski, "Would you like to see...."

William Kasperovich, "The public hearing is for Small Cities grants. And you haven't put any request for any grants for this type of work."

Supervisor Janoski, "And you would like to see that included."

William Kasperovich, "Absolutely."

Supervisor Janoski, "Thank you Bill. Mr. Hanley, I must open up the next hearing but we will recess. Let the record show that the hour of 8:08 has arrived. The Town Clerk will please read the notice of public hearing."

7:55 PUBLIC HEARING RECESSED AT 8:08

PUBLIC HEARING - 8:05 p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, March 17, 1987 at 8:05 p.m. to hear all interested persons regarding: The Change of Zone on property located at the intersection of Kay Road, Calverton from Bus. "C" to Res. "C".

PUBLIC HEARING ContinuedCORRESPONDENCE

Planning Board, 2/9/87:

Recommending that Change of Zone not be Bus. "C" to Bus.
"CR" but from Bus. "C" to Res. "C".

Supervisor Janoski, "Thank you. Is there anyone present who wishes to address the Board on this first hearing which deals with the question of the existing zoning which is Bus. "C" and the idea of reverting, not reverting but changing that to Res. "C"? Is there anyone present who wishes to address the Board on that idea? That being the case and without objection, I declare the hearing closed. I will re-open the hearing on the Small Cities Block Grant application. Mr. Hanley."

8:05 PUBLIC HEARING CLOSED AT 8:09

7:55 PUBLIC HEARING RE-OPENED AT 8:09

Richard Hanley, "I just want to make it clear on the record that the Town of Riverhead has appropriated approximately 100 thousand dollars for road restoration in the area that Mr. Kasperovich was speaking about. That is in addition to 170 thousand dollars for the extension of public water to that area. It's very possible that when we get to the point where we're engineering the restoration of the road subsequent to the laying of the pipe, that we might be able to address some of the drainage concerns that he has. Thank you."

Supervisor Janoski, "Bill."

Bill Nohejl, Wading River, "I'm in favor of acquiring property for recreation but I'm also concerned. I think that should come out of recreation fees and the buildings or whatever goes there should be out of recreation fees. And the money from small grants, I think should go for affordable housing. That is my estimation."

Supervisor Janoski, "Bill, one of the things that you don't understand is that in a multi-faceted application, you can apply for a larger amount of money. If we applied for one single item such as affordable housing, what is the limit; 200 thousand, 250. So we're going for both."

Bill Nohejl, "Alright. I agree with what you're saying there on that. Maybe something else of that type but I feel as though this property should be acquired for recreation. It should be done with recreation fees. The buildings should be put up with recreation fees. Now in order to acquire the property, I say ok."

Supervisor Janoski, "Bill, if the federal government were to give us some money to do exactly this, and part of the money will come from our own recreation fees or bonding, you wouldn't want us to turn them down if they were willing to give us some?"

PUBLIC HEARING Continued

Bill Nohejl, "But if there's something else much more needed that you can not get the money for appropriated through our own town revenue, through the federal grant. Use it from the federal grant. That's what I'm trying to say to you."

Supervisor Janoski, "I understand."

Bill Nohejl, "Thank you."

Supervisor Janoski, "Thank you Bill. Is there anyone else present who wishes to address the Board on the matter of the Small Cities Block Grant application. That being the case and without objection, I declare the hearing closed. Let the record show that the hour of 8:11 has arrived. The Town Clerk will please read the notice of public hearing."

7:55 PUBLIC HEARING CLOSED AT 8:11

PUBLIC HEARING - 8:11 p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, March 17, 1987 at 8:10 p.m. to hear all interested persons regarding: The Change of Zone on property located on Middle Road at the intersection of Kay Road, Calverton from Bus. "C" to Res. "CR".

Supervisor Janoski, "Thank you. This is on the exact same parcels of property located at Middle Country Road and Kay Road. The idea here is consideration of change from Business "C" to Business "CR" which is Business "C-Rural". Does anyone present wish to address the Board on that proposal? These are changes of zone suggestions made at the Board's fruition. No one has applied for these. That being the case and without objection, I declare that hearing closed. I will re-open the hearing on Mr. Raymond Krivacsy. And Mr. Kasperovich, you had indicated that you wanted to address the Board."

8:10 PUBLIC HEARING CLOSED AT 8:12

7:45 PUBLIC HEARING RE-OPENED AT 8:12

William Kasperovich, "In the last 30 years I've watched the Department of Health impose their restrictions and their surveillances over our township but I haven't seen the growth parallel to it from the town itself. We permit about the lowest quality of construction, I'm not talking residential, that is tolerated. Our Building Department does not go beyond the State or the County to see what is good for the people that live here. Now, this building in itself is the cheapest tin can building that you could build and it's done so because if it goes up or away, it's the cheapest and smallest amount of money you could lose. It could be thrown up like a child's erector set. It can be abandoned the same way. Now, we have got to reach out and think ten years from now, twenty years from now when things change. Or better yet, we have to think of next

PUBLIC HEARING ContinuedWilliam Kasperovich, Continued

year. Now, the man says he's going to put polyester resin with a catalyst to make molded boats. Polyester resin is nothing I'm afraid of. But the word catalyst, doesn't mean anything to anybody in this room. Maybe we have a chemist in here. I don't know. If he said nitroglycerine, everybody would raise their eyebrows. This catalyst is hot potatoes. It is the kind of thing you should be afraid of. And yet the man gets up here and tells us everything but the things that we should be afraid of. And I'm not against this man trying to set up his little business to make some boats. What I am against is that you tolerate this kind of thing. There is a chemical name for the catalyst. And if these things are appropo to the area, he shouldn't hesitate to spell it out exactly what the catalyst is. Whether you know what it means or you don't know what it means, he should his honesty and integrity that he's not ashamed or afraid of anything that he's bringing in. And allowing this kind of thing is the kind of thing that bothers me. Now, there are many aspects that the State and the Health Department do not cover. Some of these things, when they burn, in the event of an accident or there's a fire. We should be fully aware and we should make our volunteer firemen fully aware of what is and can be in the offing. Now, what measure to cover fire or disaster or some problem that rises in this manufacture. This is up to Riverhead and Riverhead doesn't know enough to take a hard look at it. So if we don't have the talent or the personnel to do anything about it, the least, the very least we could do is to see that the man spells out exactly what he brings into the area and what he's going to do with it and what's he's going to do in the event of an emergency. And here is a small enough case to look at the principal of things. I don't know what further to say. I've tried to convince you people about this."

Supervisor Janoski, "I think you've probably said about as much as you can on the subject. And I'm going to recess this public hearing. See, that's why we have public hearings for citizens like yourself to raise these questions that we people on the Town Board have not thought of; that they might be using nitroglycerine as a hardening agent with the resin."

William Kasperovich, "After all these years, you get tired of raising questions. You want to see some results."

Supervisor Janoski, "Well that's why we have the public hearing, Bill. And I thank you very much and I'm going to recess this hearing and we will open the hearing on Mr. Homan. Let the record show that the hour of 8:19 has arrived. :19 p.m. and the Town Clerk will please read the notice of public hearing."

7:45 PUBLIC HEARING RECESSED AT 8:19

PUBLIC HEARING ContinuedPUBLIC HEARING - 8:15 p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, March 17, 1987 at 8:10 p.m. to hear all interested persons regarding: The Special Permit Application of Richard Homan to close in an existing overhang on an ice-cream store located on Route 25, Aquebogue.

Supervisor Janoski, "Thank you. Is there anyone present representing the applicant? Yes sir. Would you please come to the microphone, state your name and address and your association with the application."

Richard Homan, Baldwin, "My name is Richard Homan. I live at 666 Street in Baldwin, New York."

Supervisor Janoski, "Please give us a brief description of what it is that you want to do and what's involved."

Richard Homan, "What I'd like to do is..."

Supervisor Janoski, "You're applying for (just for the record) an expansion of a pre-existing non-conforming use. People have trouble saying that so I'll say it for you."

Richard Homan, "What I petitioned the Town Board for a special permit for was to close in an existing overhang to the store that we own on Main Road in Aquebogue. The idea for the enclosure is to lengthen our season and also for the safety involved. Also because it is close to the Main Road and it would give the privilege of our customers to be inside instead of standing outside and it would lengthen our season from... We close now toward the end of September and it would give us until after Thanksgiving and then again re-opening around Easter time."

Supervisor Janoski, "In essence, what you're applying for is to enclose a front porch?"

Richard Homan, "Well there's no base there. It's just an overhang."

Supervisor Janoski, "Well, it's a pretty good analogy. Anybody on the Board have any question? Thank you Mr. Homan. I will recognize anyone else who wishes to address the question of this application. Mr. Homan is situated in an area which is now zoned Office Service. He bought the ice-cream retail store which now becomes pre-existing non-conforming use. In order to expand that use to enclose this overhang, he must get a special permit from the Town Board. Is there anyone present who wishes to address the Board on the matter of this application? Mr. Kasperovich."

PUBLIC HEARING Continued

William Kasperovich, "I'll take this on somewhat lighter vain."

Councilman Pike, "Bill, you're not going to tell us they actually use milk in this thing?"

William Kasperovich, "I try not to tell you anything. I just try to bring it to your attention so you can do your own good thinking. Now, this is not a bad looking stand out there and I could see the man's purpose there. I think he could make it a real attractive nice kind of thing. Not a commercial ice-cream peddlers joint. He could make it an architecturally pleasing good-looking thing. I've seen other parts of Long Island where they've done this and it just doesn't look good. Here is a man, I'm in favor of what he wants to do but we should impress on him that we would like it to be a nice looking thing for the township."

Supervisor Janoski, "I'm happy to tell you Bill, that the special permit is followed by what we call a site plan procedure in which the esthetics of what is done are reviewed by the Town Board."

William Kasperovich, "Well, ok. Maybe the esthetics have got to be polished a little because of this type of installation. And of course, we might mention to the man when we let him do this and we all approve of what he did, we'll all come there and be customers of his."

Supervisor Janoski, "Absolutely. Thank you Bill. Is there anyone else present who wishes to address the Board on the matter of this application? That being the case and without objection, I declare this hearing closed. Mr. Raymond Krivacsy, if you would come forward and if you would tell us what you use as a hardening agent, I would be relieved."

8:15 PUBLIC HEARING CLOSED AT 8:24

7:45 PUBLIC HEARING RE-OPENED AT 8:24

Raymond Krivacsy, "The hardening agent is know as peroxide which you keep in a house. And also, if you have ever tried to get a building permit in the Town of Riverhead, we would not take the Board that lightly. We've also been through the Pine Barrens, the Suffolk County Planning Board and I think there's about four different applications that have to be filled out for the Health Department where you label and list every chemical. And as Victor said, there are two codes; a 7 and a 12 which I'm becoming very familiar with which I wasn't too long ago, about how to handle the chemicals as far as spillage and storage is concerned."

Councilman Prusinowski, "Sir, can I ask you a question? This hardening agent, is it similar to what..... I own a boat myself and I do some fiberglass work on the decks and I go to the... Not very well, but I go to the store and I buy the can of resin and there's a little plastic tube which I can buy at any marina in the Town of Riverhead. Is that the same hardening agent you use?"

PUBLIC HEARING Continued

Raymond Krivacsy, "That's basically the same hardening but we use it in a liquid form, not a cream form."

Councilman Prusinowski, "Well this is in a liquid form. It's clear and it's in a little tube like this and I put it in the can. If I don't put it down within twenty minutes, it's as hard as a rock."

Supervisor Janoski, "I personally guarantee that if you open your business here, that you will receive a visit from the Fire Inspector who will make a listing of the chemicals you have and he will dutifully inform the Fire Department of what chemicals you have on hand and what amounts. Thank you Raymond. Is there anyone else present who wishes to address the Board on the matter of this application? That being the case and without objection, I declare the hearing closed. We will recess until 20 minutes until 9."

7:45 PUBLIC HEARING CLOSED AT 8:26

TOWN BOARD MEETING RECESSED AT 8:26

TOWN BOARD MEETING RECONVENED AT 8:42

William Kasperovich, ".....by Roanoke Avenue and First Street where there were some wood-framed buildings that the town made a big tadoo about removing. The small little shops were trying to exist, and for appearances and for the good of the town, the building just had to get out of there. Now, you walk by there right now and I would say with consideration of all sides, it looks just as bad now as when the buildings were there."

Supervisor Janoski, "Well, Bill do you want an answer to the question or are you not interested in what is going on? Would you like to hear what's going on with that piece of property?"

William Kasperovich, "All I know is what exists. All I know is what I see and what I see doesn't look nice. That's why I bring it to your attention. Because it's not a big thing that we couldn't take care of. We concern ourselves with the dilapidated things in town but we don't reach out to see that they don't come into being or if they're there and it don't take much to overcome it. I drive through some of the poorest sides of town and we have a good share of Riverhead that is not in the rich side and there are trees that I could see people haven't got the money to take down or things by the side of the road that isn't worth them to finance or improving just for appearances. And we come to work on dilapidated buildings and there are so many dilapidated things in the township other than these that you are resolving to take care of. Now, taking a dilapidated building doesn't solve the problem entirely and there is a point of preference of which comes first. What is it that will make a better township? Dilapidated buildings didn't come by themselves over night. It came by a situation of condition of people who own the property that own the structure that upkeep it or don't upkeep it. This is what created the dilapidated buildings."

PERSONAL APPEARANCES Continued

Supervisor Janoski, "How did you ever figure that out Bill?"

William Kasperovich, "By coming here and thinking about what to tell you so that you might understand what you're talking about."

Supervisor Janoski, "I appreciate it. Bill, do I understand that you are opposed to the demolition of these buildings which we have slated for demolition? Are you opposed to the content of this resolution?"

William Kasperovich, "Not in its entirety, in parts. There are a couple of these that you are really reaching out."

Supervisor Janoski, "Thank you Bill."

William Kasperovich, "I could see you people are not in any mood to listen to any intelligent recommendation or thoughts. So once again, I'm standing here talking to deaf ears."

Supervisor Janoski, "Steve."

Steve Haizlip, "I'd like to comment on the same one. Just one minute."

Supervisor Janoski, "Come right up here."

Steve Haizlip, "The last meeting when you listed those buildings, I wanted to come up and ask you about that wall over here on Osborn I believe that street is. And I spoke to you a couple of times at meetings. Is that thing just going to stand there indefinite and never come down?"

Supervisor Janoski, "Well Steve, you obviously want to hear an answer to your question. So I'm going to give you an answer to your question. The truth of the matter is that the Town Board has decided last week, to seek acquisition of that property from the County. The County owns it and they got it for a non-payment of taxes. It is adjacent to our Riverhead Town Highway Department and it makes reasonably good sense to acquire it for the town for the payment of back taxes and that's what we're going to do. Let us proceed with the resolutions."

RESOLUTIONS

#168 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING RE: CHANGE OF ZONE, WADING RIVER.

Councilman Lombardi offered the following resolution which was seconded by Councilman Prusinowski.

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below Public Notice with regard to a change of zone of premises located at North Wading River Road, Wading River, New York.

RESOLUTIONS ContinuedPUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 7th day of April, 1987, at 7:55 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to a rezoning of a premises located at North Wading River Road, Wading River, New York.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#169 AUTHORIZES DISPOSITION OF TOWN RECORDS.

Councilman Boschetti offered the following resolution which was seconded by Councilman Pike.

RESOLVED, by the Town Board of the Town of Riverhead, that Irene J. Pendzick, Town Clerk, be and hereby is authorized to dispose of record item number #392 "Claims Closed; 1961-1981";

FURTHER RESOLVED, that the Clerk of this Board is hereby directed to furnish a Certified Copy of this Resolution to be forwarded to the Commissioner of Education.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#170 APPROVES SITE PLAN OF EAST RIVER EQUITIES (JOSEPH MARTIRANO).

Councilman Pike offered the following resolution which was seconded by Councilman Boschetti.

WHEREAS, a site plan and elevations were submitted by East River Equities for the construction of five (5) office buildings to be located at the corner of East Main Street and Millbrook Lane, Riverhead, New York; and

WHEREAS, this Town Board has reviewed the site plan dated January 6, 1987 as revised March 3, 1987, as prepared by John A. Barbieri Architects and Associates, and elevations dated January 6, 1987, as revised March 3, 1987, as prepared by John A. Barbieri Architects and Associates.

NOW, THEREFORE, BE IT

RESOLVED, that the site plan and elevations submitted by East River Equities for the construction of five (5) office buildings to be located at the corner of East Main Street and Millbrook Lane, Riverhead, New York, site plan dated January 6, 1987, as revised March 3, 1987, as prepared by John A. Barbieri Architects and Associates, be and are hereby approved, subject to the following:

1. That the provisions of the Riverhead Town Code, which are not addressed by this resolution or other official action of the Town, shall at all times, be complied with by the owner of the property covered by this site plan;

RESOLUTIONS Continued

2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a certified copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk and filed with the Town Clerk;

3. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval or disapproval prior to being installed at the property. All signage so proposed shall be coordinated in appearance and design;

4. That the applicant is familiar with Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and agrees to abide by same;

5. That receptacles of a decorative design shall be maintained at the premises;

6. That adequate parking for the handicapped pursuant to State and Federal law shall be provided that and each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only", and the universal symbol affixed thereto. Further, by execution and filing of this document, East River Equities hereby authorizes the Town of Riverhead to enter premises at the corner of East Main Street and Millbrook Lane, Riverhead, New York, to enforce said handicapped parking regulations;

7. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code with regard to type, thickness and grade;

8. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

9. Drainage and parking shall be provided pursuant to the Riverhead Town Code; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to East River Equities and the Riverhead Building Department.

DECLARATION AND COVENANT

THIS DECLARATION, made the _____ day of March, 1987, by East River Equities, with its principal place of business at 450 Waverly Avenue, Patchogue, New York, 11772, Declarant.

WHEREAS, Declarant is the owner of certain real property situate in the Town of Riverhead, Suffolk County, New York, more particularly bounded and described as set forth in SCHEDULE "A" annexed hereto as provided by the Declarant; and

WHEREAS, for and in consideration of the granting of said site plan, the Town Board of the Town of Riverhead has deemed it to be in the best interests of the Town of Riverhead and the owner and prospective owners of said parcel that the within covenants and restrictions be imposed on said parcel, and as a condition of granting said site plan, said Town Board has required that the within Declaration be recorded in the Suffolk County Clerk's Office; and

RESOLUTIONS Continued

WHEREAS, Declarant has considered the foregoing and determined that same will be in the best interest of the Declarant and subsequent owners of said parcel.

NOW, THEREFORE, THIS DECLARANT WITNESSETH:

That Declarant, for the purpose of carrying out the intentions above expressed, does hereby make known, admit, publish, covenant and agree that the said premises herein described shall hereafter be subject to the following covenants which shall run with the land and shall be binding upon all purchasers and holders of said premises, their heirs, executors, legal representatives, distributees, successors and assigns to wit:

1. That the provisions of the Riverhead Town Code, which are not addressed by this resolution or other official action of the Town, shall, at all times, be complied with by the owner of the property covered by this site plan;
2. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval or disapproval prior to being installed at the property. All signage so proposed shall be coordinated in appearance and design;
3. That the Declarant is familiar with Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and agrees to abide by same;
4. Trash receptacles of a decorative design shall be maintained at the premises;
5. That adequate parking for the handicapped pursuant to State and Federal law shall be provided and that each handicap stall shall be designated by an individual sign erected on a station stating, "No Parking, Handicap Only", and the universal symbol affixed thereto;
6. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code, with regard to type, thickness and grade;
7. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;
8. Drainage and parking shall be provided pursuant to the Riverhead Town Code.

Declarant has hereunto set his hand and seal the day and year above first written.

EAST RIVER EQUITIES

Joseph Martirano

STATE OF NEW YORK)

ss.:

COUNTY OF SUFFOLK)

RESOLUTIONS Continued

On this _____ day of March, 1987, before me personally came JOSEPH MARTIRANO, to me known and deposes and says that he resides at _____; that he is the _____ of EAST RIVER EQUITIES, the owner of certain real property located at the corner of East Main Street and Millbrook Lane, Riverhead, New York, the subject property of the declaration and covenant and understands the contents thereof; and that he did swear to me that he executed the same.

NOTARY PUBLIC

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#171 APPROVES SITE PLAN OF THE SOUTHLAND CORP.

Councilman Prusinowski, "We're approving a site plan of a 7-11 store in Wading River. And just for the record, I would like to say that this is a perfect example of how the Town Board working with the developer has insisted on changes so that the proposed project will blend in with the look and spirit of the community as far as architecture and in all respects of landscaping and it's a very good plan."

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, a site plan and elevations were submitted by the Northeast Division of 7-Eleven Stores of the Southland Corporation for a retail store to be located at New York State Route 25A and Wading River Manorville Road, Wading River, in the Town of Riverhead, New York, and

WHEREAS, this Town Board has reviewed the site plan dated March 5, 1987, as prepared by Teas, Barrett, Lanzisera, and Frink of Ridge, New York, the landscape plan, dated January 22, 1987, as prepared by Colgate Design Corporation of Ridge, New York, and the elevations, dated January 19, 1987, as prepared by H.F. Necker and Associates of Saddle Brook, New Jersey; and

WHEREAS, the Planning Department of the Town of Riverhead, has likewise reviewed said plans and elevations for aesthetic compatibility and compliance with the intent of the Business "CR" Zoning Use District, and has recommended in writing approval of those plans and elevations as amended by the Planning Department; now, therefore, be it

RESOLVED, that the site plan, landscape plan, and elevations submitted by Teas, Barrett, Lanzisera, and Frink; Colgate Design Corp.; and H.F. Necker and Associates, respectively, for a retail 7-Eleven store to be located at New York State Route 25A and Wading River Manorville Road, at Wading River, in the Town of Riverhead, New York, be and are hereby approved as amended and signed by each of the members of the Town Board, subject to the following:

RESOLUTIONS Continued

1. That the provisions of the Town Code, which are not addressed by this resolution or other official action of the Town, shall, at all times, be complied with by the owner of the property covered by this site plan;

2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a certified copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk and filed with the Town Clerk;

3. That the form, design, location, and color of all signage shall be submitted to the Town Board for its review and approval or disapproval prior to being installed at the property. All signage so proposed shall be coordinated in appearance, design, location, and color;

4. That the applicant is familiar with Riverhead Town Code, Chapter 96, entitled "Trash, Rubbish and Refuse Disposal", and agrees to abide by same;

5. That receptacles of a decorative design and approved by the Planning Department prior to their installation at the site, be maintained at the premises;

6. That adequate parking for the handicapped pursuant to State and Federal law shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only", and the universal symbol affixed thereto. Further, by execution and filing of this document, the Southland Corp. hereby authorizes the Town of Riverhead to enter premises at the 7-Eleven retail store located at New York State Route 25A and Wading River Manorville Road, at Wading River, in the Town of Riverhead, New York, to enforce said handicapped parking regulations;

7. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code;

8. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

9. Drainage and parking shall be provided pursuant to the Riverhead Town Code;

10. That the color of type and roofing selected by the applicant be approved by the Planning Department prior to its installation;

11. That any and all landscaped areas shall be maintained in a professional manner, and that any planters, planter boxes, window boxes or other container plantings, shall be likewise maintained, on a year-round basis; and be it further

RESOLVED, that due to the old field nature of the site, and the fact that topography is indicated in the site plan, the existing condition requirement of the Business CR Zoning Use District Code is hereby waived; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Southland Corp. and the Riverhead Building Department.

RESOLUTIONS ContinuedDECLARATION AND COVENANT

THIS DECLARATION, made the _____ day of _____, by _____, residing at _____, Declarant.

WHEREAS, Declarant is the owner of certain real property situate in the Town of Riverhead, Suffolk County, New York, more particularly bounded and described as set forth in SCHEDULE "A" annexed hereto as provided by the Declarant; and

WHEREAS, for and in consideration of the granting of said site plan, the Town Board of the Town of Riverhead has deemed it to be in the best interests of the Town of the Town of Riverhead and the owner and prospective owners of said parcel that the within covenants and restrictions be imposed on said parcel, and as a condition of granting said site plan, said Town Board has required that the within Declaration be recorded in the Suffolk County Clerk's Office; and

WHEREAS, Declarant has considered the foregoing and determined that same will be in the best interest of the Declarant and subsequent owners of said parcel.

NOW, THEREFORE, THIS DECLARANT WITNESSETH:

That Declarant, for the purpose of carrying out the intentions above expressed, does hereby make known, admit, publish, covenant, and agree that the said premises herein described shall hereafter be subject to the following covenants which shall run with the land and shall be binding upon all purchasers and holders of said premises, their heirs, executors, legal representatives, distributees, successors, and assigns, to wit:

1. That the provisions of the Town Code, which are not addressed by this declaration or other official action of the Town, shall, at all times, be complied with by the owner of the property covered by this site plan;

2. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval or disapproval prior to being installed at the property. All signage so proposed shall be coordinated in appearance, design, location, and color;

3. That the applicant is familiar with Riverhead Town Code, Chapter 96, entitled "Trash, Rubbish and Refuse Disposal," and agrees to abide by same;

4. That receptacles of a decorative design and approved by the Planning Department prior to their installation at the site, be maintained at the premises;

5. That adequate parking for the handicapped pursuant to State and Federal law shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only", and the universal symbol affixed thereto. Further, by execution and filing of this document, the Southland Corp. hereby authorized the Town of Riverhead to enter premises at the 7-Eleven retail store located at New York State Route 25A and Wading River Manorville Road, at Wading River, in the Town of Riverhead, New York, to enforce said handicapped parking regulations;

RESOLUTIONS Continued

6. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code;

7. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

8. Drainage and parking shall be provided pursuant to the Riverhead Town Code;

9. That the color and type of roofing selected by the applicant be approved by the Planning Department prior to its installation;

10. That any and all landscaped areas shall be maintained in a professional manner, and that any planters, planter boxes, window boxes, or other container plantings, shall be likewise maintained, on a year-around basis.

Declarant has hereunto set his hand and seal the day and year above first written.

Declarant.

STATE OF NEW YORK)

ss.:

COUNTY OF SUFFOLK)

On this _____ day of _____, 1987, before me personally came _____, the owner of certain real property located at _____, the subject property of the declaration and covenant and understands the contents thereof; and that _____ did swear to me that _____ executed the same.

NOTARY PUBLIC

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#172 ACCEPTS FINAL ENVIRONMENTAL IMPACT STATEMENT RE: APPLICATION OF PROSPERO PROPERTIES, II.

Councilman Lombardi offered the following resolution which was seconded by Councilman Prusinowski.

WHEREAS, a Draft Environmental Impact Statement has been circulated to involved agencies pursuant to State Environmental Quality Review Act with regard to the application of Prospero Properties, II, and

WHEREAS, based upon the comments received after such circulation and after public hearing, Prospero Properties, II has revised the Draft Environmental Impact Statement to submit additional data.

RESOLUTIONS Continued

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Riverhead accepts the Final Environmental Impact Statement of Prospero Properties, II; such Final Environmental Impact Statement to consist of the Draft Environmental Impact Statement, the written comments submitted and response thereto.

BE IT FURTHER RESOLVED, that a Notice of Completion of the Final Environmental Impact Statement shall be forwarded to the interested agencies pursuant to the State Environmental Quality Review Act.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#173 REINSTATES "LANDMARKS" DESIGNATION.

Councilman Boschetti offered the following resolution which was seconded by Councilman Pike.

WHEREAS, by resolution #738, this Town Board did rescind the designation of certain "landmarks" in the Town of Riverhead until such time that the property owners could become familiar with the restrictions placed on the property by this designation, and

WHEREAS, Eileen and Cornelius Fenton, as owners of property known as S.C.T.M. #0600-21-7.1, Sound Avenue, Riverhead, New York, have signed a statement that they are familiar with the restrictions of the Town Code to be placed on their property upon its designation as a "landmark", and

WHEREAS, they, as well as the Landmarks Preservation Commission, still request that said property be designated a "landmark".

NOW, THEREFORE, BE IT

RESOLVED, that the above mentioned property, in accordance with Article IV, Section 7(6) of Town Ordinance #44 (Landmarks' Preservation) Chapter 73, be and is hereby designated as a "Landmark", and

BE IT FURTHER RESOLVED, that said Commission be and is hereby authorized to purchase a "landmark" plaque at a cost not to exceed \$50.00.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#174 AWARDS BID FOR DEMOLITION OF DILAPIDATED BUILDINGS.

Councilman Pike offered the following resolution which was seconded by Councilman Boschetti.

WHEREAS, the Town Clerk was authorized to publish and post a Notice to Bidders for the demolition of various dilapidated buildings in the Town of Riverhead; and

RESOLUTIONS Continued

WHEREAS, all bids were received, opened and read aloud pursuant to said Notice to Bidders; and

WHEREAS, a total of five (5) demolition companies submitted their bids.

NOW, THEREFORE, BE IT

RESOLVED, that the bids for the demolition of the following buildings be and is hereby awarded to the following companies in the following amounts:

0600-33-3-65 4th St. & Hulse Wading River, NY	Riverhead Cement Block	\$1,400.00
0600-65-1-24 Oak Dr. & Dr's Path Riverhead, NY	Maniac Leasing Corp.	\$1,100.00
0600-85-3-65.1 Zion St & Hubbard Riverhead, NY	R.W. Mashmann	\$3,300.00
0600-102-3-12 1116 Dolores Ave. Riverhead, NY	Maniac Leasing Corp.	\$ 995.00
0600-127-1-41 Union Ave & Corwin Riverhead, NY	Riverhead Cement Block	\$1,400.00

and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Riverhead Cement Block; Maniac Leasing Corp.; R.W. Mashmann; County of Suffolk Department of Real Estate; the Riverhead Sanitation Department.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Councilman Lombardi, "On that demolition, I think it should be known that we are going to be reimbursed by the County. It's going to be on their tax bill."

Supervisor Janoski, "A very good point."

#175 COMMENDS KEVIN DANIEL GRIFFIN UPON ACHIEVING RANK OF EAGLE SCOUT.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

RESOLUTIONS Continued

WHEREAS, Kevin Daniel Griffin of Troop 242, Boy Scouts of America, Riverhead, New York, has achieved the rank of Eagle Scout and will be presented with the Eagle Award on Sunday, March 22, 1987.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Riverhead, hereby conveys its expression of commendation and gives recognition to

KEVIN DANIEL GRIFFIN

for having reached the rank of Eagle Scout in the Boy Scouts of America, and

BE IT FURTHER RESOLVED, that the Town Clerk be authorized and instructed to transmit a suitable engrossed copy of this resolution to Kevin Daniel Griffin.

The resolution was thereupon duly ordered by ACCLAMATION.

#176 AWARDS BID FOR FLASHING SIGNALS.

Councilman Lombardi offered the following resolution which was seconded by Councilman Prusinowski.

WHEREAS, the Town Clerk was authorized to publish and post a Notice to Bidders for flashing signals; and

WHEREAS, all bids were received, opened and read aloud pursuant to said Notice to Bidders; and

WHEREAS, a total of one (1) bid was received.

NOW, THEREFORE, BE IT

RESOLVED, that the bid for flashing signals be and is hereby awarded to Hinck Electrical Contractor, Inc. in the amount of \$12,090.00; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Hinck Electrical Contractor, Inc. and the Riverhead Highway Department.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#177 AUTHORIZES TOWN SHARE OF WATER EXTENSION.

(See Water District Minutes)

#178 AUTHORIZES SOLICITATION FOR BIDS FOR 1 (ONE) HEAVY EQUIPMENT TRAILER.

Councilman Pike offered the following resolution which was seconded by Councilman Boschetti.

RESOLVED, that the Town Clerk be and hereby is authorized to advertise for sealed bids for the purchase of One Heavy Equipment Trailer for use by Riverhead Town Water District, and be it further

RESOLUTIONS Continued

RESOLVED, that the Town Clerk be and hereby is authorized to open and publicly read aloud said bids at 11:10 a.m. on April 2, 1987 at Town Hall, 200 Howell Avenue, Riverhead, NY and to make a report of said bids to the Town Board at the next public meeting following the opening of the bids.

(See Water District Minutes also)

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#179 AUTHORIZES THE SOLICITATION FOR BIDS FOR ONE (1) TRACTOR
LOADER, BACKHOE AND CAB.

(See Water District Minutes)

#180 AUTHORIZES A SIX-MONTH LEAVE OF ABSENCE FOR HIGHWAY EMPLOYEE.

Councilman Lombardi offered the following resolution which was seconded by Councilman Prusinowski.

WHEREAS, John Schwarz has requested a leave of absence from the position of A.E.O. in the Highway Department, and

NOW, THEREFORE, BE IT

RESOLVED, that a six-month leave of absence be and is hereby granted to JOHN SCHWARZ from his position of A.E.O. in the Highway Department, effective March 1, 1987, and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Accounting Office and John Schwarz.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#181 APPOINTS SUB-REGISTRAR OF VITAL STATISTICS.

Councilman Boschetti offered the following resolution which was seconded by Councilman Pike.

BE IT RESOLVED, that Diane Koroleski is hereby appointed to Sub-Registrar of Vital Statistics at the request and recommendation of Registrar of Vital Statistics Irene J. Pendzick, commencing March 16, 1987 at the annual salary of \$2,000 until December 31, 1987.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

RESOLUTIONS Continued#182 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING RE: REPEAL CHAPTER 65 OF THE RIVERHEAD TOWN CODE.

Councilman Pike offered the following resolution which was seconded by Councilman Boschetti.

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below Public Notice with regard to repeal of Chapter 65 of the Riverhead Town Code.

PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 7th day of April, 1987, at 8:05 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to repealing Chapter 65 of the Riverhead Town Code entitled, "Flood Damage Prevention".

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#183 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING RE: ADOPTING LOCAL LAW # ____ OF 1987 ENTITLED, "FLOOD DAMAGE PREVENTION".

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below Public Notice with regard to adopting Local Law # ____ of 1987 entitled, "Flood Damage Prevention".

PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 7th day of April, at 8:10 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to adopting Local Law # ____ of 1987, entitled "Flood Damage Prevention", as follows:

FLOOD DAMAGE PREVENTION

Chapter 65

ARTICLE I

Authority; Findings; Purpose

- §1.1 Findings.
- §1.2 Statement of purpose.
- §1.3 Objectives.

ARTICLE II

Definitions

- §2.1 Definitions

RESOLUTIONS ContinuedARTICLE III
General Provisions

- §3.1 Lands to which this local law applies.
- §3.2 Basis for establishing special flood hazard.
- §3.3 Interpretation, conflict with other lands
- §3.4 Severability.
- §3.5 Penalties for non-compliance.
- §3.6 Warning and disclaimer of liability.

ARTICLE IV
Administration

- §4.1 Designation of local administrator.
- §4.2 Establishment of development permit.
- §4.2-1 Application stage.
- §4.2-2 Construction stage.
- §4.3 Duties and responsibilities of local administrator.
- §4.3-1 Permit application review.
- §4.3-2 Use of other base flood data.
- §4.3-3 Information to be obtained and maintained.
- §4.3-4 Alteration of watercourses.
- §4.3-5 Interpretation for firm boundaries.
- §4.3-6 Stop work orders.
- §4.3-7 Inspections.
- §4.3-8 Certificate of compliance.

ARTICLE V
Provisions for Flood Hazard Reduction

- §5.1 General Standards.
- §5.1-1 Anchoring.
- §5.1-2 Construction materials and methods.
- §5.1-3 Utilities.
- §5.1-4 Subdivision proposals.
- §5.1-5 Encroachments.
- §5.2 Specific standards.
- §5.2-1 Residential construction.
- §5.2-2 Non-residential construction.
- §5.2-3 Construction standards for areas of special flood hazards without base flood elevations.
- §5.3 Coastal high hazard area.
- §5.3-1 Location of structures.
- §5.3-2 Construction methods.
- §5.3-3 Disturbance of sand dunes.
- §5.3-4 Submission and maintenance of construction records.

ARTICLE VI
Variance Procedure

- §6.1 Appeals Board.
- §6.2 Conditions for variances.

[HISTORY: Adopted by the Town Board of Riverhead ___/___/___ as
Local Law No. _____-1987]

RESOLUTIONS Continued

(FOLLOWING COMPLIES WITH NATIONAL FLOOD INSURANCE
PROGRAM FLOOD PLAIN MANAGEMENT CRITERIA FOR FLOOD
PRONE AREAS [44 CFR 60.3(e)] AS REVISED 10/1/86)

FLOOD DAMAGE PREVENTION

SECTION 1.0

STATUTORY AUTHORIZATION AND PURPOSE

1.1 FINDINGS

The Town Board of the Town of Riverhead finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Riverhead and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publically and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this local law is adopted.

1.2 STATEMENT OF PURPOSE

It is the purpose of this local law to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accomodation of flood waters;
- (4) control filling, grading, dredging and other development which may increase erosion or flood damages;
- (5) regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and;
- (6) qualify and maintain for participation in the National Flood Insurance Program.

1.3 OBJECTIVES

The objectives of this local law are:

RESOLUTIONS Continued

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;
- (6) to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) to provide that developers are notified that property is in an area of special flood hazard; and
- (8) to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

SECTION 2.0
DEFINITIONS

Unless specifically defined below, words or phrases used in this local law shall be interpreted so as to give them the meaning they have in common usage and to give this local law its most reasonable application.

"Appeal" means a request for a review of the Local Administrator's interpretation of any provision of this Local Law or a request for a variance.

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-99, V, VO, VE, or V1-30. It is also commonly referred to as the base floodplain or 100-year floodplain.

"Base flood" means the flood having a one percent change of being equalled or exceeded in any given year.

"Basement" means that portion of a building having its floor sub-grade (below ground level) on all sides.

"Breakaway wall" means a wall that is not part of the structural support of the building and intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

RESOLUTIONS Continued

"Building" means any structure built for support, shelter, or enclosure for occupancy or storage.

"Cellar" has the same meaning as definition of "Basement".

"Coastal high hazard area" means the area subject to high velocity waters including, but not limited to, hurricane wave wash. The area is designated on a FIRM as Zone V1-30, VE, VO or V.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations located within the area of special flood hazard.

"Elevated building" means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers) or shear walls.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Hazard Boundary Map (FHBM)" means an ovvidical map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined but no water surface elevation is provided.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood proofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway" has the same meaning as "Regulatory Floodway".

"Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction.

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

RESOLUTIONS Continued

"Lowest Floor" means lowest level including basement or cellar of the lowest enclosed area. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Local Law.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

"Mean Sea Level" means, for purposes of the National Flood Insurance Program the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"Mobile home" has the same meaning as "Manufactured home".

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the flood plain.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of this Local Law.

"Principally Above Ground" means that at least 51 percent of the actual case value, excluding land value, is above ground.

"100-year Flood" has the same meaning as "Base Flood".

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study.

"Sand dunes" means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

"Start of Construction" means the initiation, excluding planning and design, of any phase of a project, physical alteration of the property, and shall include land preparation, such as clearing, grading, and filling; installation of streets and/or walkways; excavation for a basement, footings, piers, or foundations or the erection of temporary forms. It also includes the placement and/or installation on the property of accessory buildings (garages, sheds), storage trailers, and building materials. For manufactured homes the "actual start" means affixing of the manufactured home to its permanent site.

RESOLUTIONS Continued

"Structure" means a walled and roofed building, a manufactured home, or a gas or liquid storage tank, that is principally above ground.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (1) before the improvement or repair is started; or
- (2) if the structure has been damaged and is being restored, before the damage occurred.

For the purpose of this definition "substantial improvement" is considered to commence when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not however, include either:

- (1) any project for improvement of a structure to comply with existing state or local building, fire, health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
- (2) any alteration of a structure or contributing structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" means a grant of relief from the requirements of this Local Law which permits construction or use in a manner that would otherwise be prohibited by this Local Law.

SECTION 3.0
GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS LOCAL LAW APPLIES.

This Local Law shall apply to all areas of special flood hazards within the jurisdiction of the Town of Riverhead.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for the Town of Riverhead, 36085C, of Suffolk County, New York", dated December 1, 1982, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps is hereby adopted and declared to be a part of this Local Law. The Flood Insurance Study and map is on file at the Town Clerk's Office and Building Department.

3.3 INTERPRETATION, CONFLICT WITH OTHER LAWS.

This Local Law is adopted in response to revisions to the National Flood Insurance Program effective October 1, 1986 and shall supercede all previous laws adopted for the purpose of establishing and maintaining eligibility for flood insurance.

RESOLUTIONS Continued

In their interpretation and application, the provisions of this Local Law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this Local Law are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinance, the most restrictive, or that imposing the higher standard, shall govern.

3.4 SEVERABILITY

The invalidity of any section or provision of this Local Law shall not invalidate any other section or provision thereof.

3.5 PENALTIES FOR NON-COMPLIANCE

No structure shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this Local Law and any other applicable regulations. Any infraction of the provisions of this Local Law by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this Local Law or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Riverhead from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this Local Law for which the developer and/or owner has not applied for and received an approved variance under Section 6.0 will be declared noncompliant and notification sent to the Federal Emergency Management Agency.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Local Law is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Local Law does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Local Law shall not create liability on the part of the Town of Riverhead, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Local Law or any administrative decision lawfully made thereunder.

SECTION 4.0
ADMINISTRATION

4.1 DESIGNATION OF THE LOCAL ADMINISTRATOR

RESOLUTIONS Continued

The Building Inspector is hereby appointed Local Administrator to administer and implement this local law by granting or denying development permit applications in accordance with its provisions.

4.2 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained before the start of construction or any other development within the area of special flood hazard as established in Section 3.2.

Application for a Development Permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

4.2-1 APPLICATION STAGE

The following information is required where applicable:

- (a) elevation in relation to mean sea level of the proposed lowest floor (including basement or cellar) of all structures;
- (b) elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;
- (c) when required a certificate from a licensed professional engineer or architect that the utility floodproofing will meet the criteria in Section 5.1-3(1);
- (d) certificate from a licensed professional engineer or architect that the non-residential flood-proofed structure will meet the flood-proofing criteria in Section 5.2-2; and
- (e) description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

4.2-2 CONSTRUCTION STAGE

Upon placement of the lowest floor, or flood-proofing by whatever means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the Local Administrator a certificate of the elevation of the lowest floor, flood-proofed elevation, or the elevation of the lowest portion of the horizontal

structural members of the lowest floor, whichever is applicable, as built, in relation to mean sea level. The elevation certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. When flood-proofing is utilized for a particular building, the floodproofing certificate shall be prepared by or under the direct supervision of a licensed professional engineer or architect and certified by same. Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop-work order for the project unless immediately corrected.

4.3 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

Duties of the Local Administrator shall include, but not be limited to:

4.3-1 PERMIT APPLICATION REVIEW

- (1) Review all development permit applications to determine that the requirements of this local law have been satisfied.
- (2) Review all development permit applications to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- (3) Review all development permit applications to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For the purposes of this local law, "adversely affects" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas. An engineering study may be required of the applicant for this purpose.
 - (i) If there is no adverse effect, then the permit shall be granted consistent with the provisions of this local law.
 - (ii) If there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit.
- (4) Review all development permits for compliance with the provisions of Section 5.1-5, Encroachments.

RESOLUTIONS Continued

4.3-2 USE OF OTHER BASE FLOOD DATA

When base flood elevation data has not been provided in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation data available from a Federal, State or other source, including data developed pursuant to Section 5.1-4(4) in order to administer Section 5.2, SPECIFIC STANDARDS.

4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED.

- (1) Obtain and record the actual elevation, in relation to mean seal level, of the lowest floor, including basement or cellar of all new or substantially improved structures, and whether or not the structure contains a basement or cellar.
- (2) For all new or substantially improved floodproofed structures:
 - (i) obtain and record the actual elevation, in relation to mean sea level, to which the structure has been floodproofed; and
 - (ii) maintain the floodproofing certifications required in Sections 5.1 and 5.2.
- (3) In coastal high hazard areas, certification shall be obtained from a registered professional engineer or architect that the provisions of Section 5.3-2(3) are met.
- (4) Maintain for public inspection all records pertaining to the provisions of this local law including variances when granted and Certificates of Compliance.

4.3-4 ALTERATION OF WATERCOURSES

- (1) Notify adjacent communities and the New York State Department of Environmental Conservation prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Regional Director, Federal Emergency Management Agency, Region II, 26 Federal Plaza, New York, NY 10278.
- (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

4.3-5 INTERPRETATION OF FIRM BOUNDARIES

The Local Administrator shall have the authority to make interpretations when there appears to be a conflict between the limits of the federally identified area of special flood hazard and actual field conditions.

RESOLUTIONS Continued

Base flood elevation data established pursuant to Section 3.2 and/or Section 4.3-2, when available, shall be used to accurately delineate the area of special flood hazards.

The Local Administrator shall use flood information from any other authoritative source, including historical data, to establish the limits of the area of special flood hazards when base flood elevations are not available.

4.3-6 STOP WORK ORDERS

- (1) All floodplain development found ongoing without an approved permit shall be subject to the issuance of a stop work order issued by the Local Administrator. Disregard of a stop work order shall be subject to the penalties described in Section 3.5 of this Local Law.
- (2) All floodplain development found noncompliant with the provisions of this law and/or the conditions of the approved permit shall be subject to the issuance of a stop work order issued by the Local Administrator. Disregard of a stop work order shall be subject to the penalties described in Section 3.5 of this Local Law.

4.3-7 INSPECTIONS

The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify that the development is in compliance with the requirements of either the development permit or the approved variance.

4.3-8 CERTIFICATE OF COMPLIANCE

- (1) It shall be unlawful to use or occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed converted or wholly or partly altered or enlarged in its use or structure until a Certificate of Compliance has been issued by the Local Administrator stating that the building or land conforms to the requirements of this Local Law.
- (2) All other development occurring within the designated flood hazard area will have upon completion of a Certificate of Compliance issued by the Local Administrator.

RESOLUTIONS Continued

All certifications shall be based upon the inspections conducted subject to Section 4.3-7 and/or any certified elevations, hydraulic information, floodproofing, anchoring requirements or encroachment analysis which may have been required as a condition of the approved permit.

SECTION 5.0
PROVISIONS FOR FLOOD HAZARD EDUCATION

5.1 GENERAL STANDARDS

In all areas of special flood hazards the following standards are required:

5.1-1 ANCHORING

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- (2) All manufactured homes shall be installed using methods and practices which minimize flood damage. Manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

5.1-2 CONSTRUCTION MATERIALS AND METHODS

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

5.1-3 UTILITIES

- (1) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. When designed for location below the base flood elevation, a professional engineer's or architect's certification is required;
- (2) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

RESOLUTIONS Continued

- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters; and,
- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.1-4 SUBDIVISION PROPOSALS

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than either 50 lots or 5 acres.

5.1-5 ENCROACHMENTS

All proposed development in riverine situations where no flood elevation data is available (unnumbered A Zones) shall be analyzed to determine the effects on the flood carrying capacity of the area of special flood hazards set forth in section 4.3-1(3), Permit Review. This may require the submission of additional technical data to assist in the determination.

5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD AREAS and Section 4.3-2, USE OF OTHER BASE FLOOD DATA, the following standards are required:

5.2-1 RESIDENTIAL CONSTRUCTION

New construction and substantial improvements of any resident structure shall:

- (1) have the lowest floor, including basement or cellar, elevated to or above the base flood elevation;
- (2) have fully enclosed areas below the lowest floor that are subject to flooding designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be

RESOLUTIONS Continued

certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

- (i) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
- (ii) the bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade;
- (iii) openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

5.2-2 NONRESIDENTIAL CONSTRUCTION

New construction and substantial improvements of any commercial, industrial or other non-residential structure, together with attendant utility and sanitary facilities, shall either: have the lowest floor, including basement or cellar, elevated to or above the base flood elevation; or be floodproofed so that the structure is watertight below the base flood level with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

- (1) If the structure is to be elevated, fully enclosed areas below the base flood elevation shall be designed to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:
 - (i) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to the flooding;
 - (ii) the bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade; and
 - (iii) openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters.
- (2) If the structure is to be floodproofed:

RESOLUTIONS Continued

- (i) a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice to make the structure watertight with walls substantially impermeable to the passage of water, with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyance; and
- (ii) a licensed professional engineer or licensed land surveyor shall certify the specific elevation in relation to mean sea level to which the structure is floodproofed.

The Local Administrator shall maintain on record a copy of all such certificates noted in this section.

5.2-3 CONSTRUCTION STANDARDS FOR AREAS OF SPECIAL FLOOD HAZARDS WITHOUT BASE FLOOD ELEVATIONS

- (1) New Construction or substantial improvements of structures including manufactured homes shall have the lowest floor (including basement) elevated at least 2 feet above the highest adjacent grade next to the proposed foundation of the structure.
- (2) Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:
 - (i) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (ii) the bottom of all such openings shall be no higher than one foot above the lowest adjacent finished frame;
 - (iii) openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

5.3 COASTAL HIGH HAZARD AREA

Coastal high hazard areas (V Zones) are located with the areas of special flood hazard established in Section 3.2. These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave/wash; therefore, the following provisions shall apply:

RESOLUTIONS Continued

5.3-1 LOCATION OF STRUCTURES

All buildings or structures shall be located landward of the reach of the mean high tide.

5.3-2 CONSTRUCTION METHODS

(1) Elevation

All new construction or substantial improvements shall be elevated on pilings or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level so as to not impede the flow of water.

(2) Structural Support

(i) The pilings or column foundation and structure attached thereto shall be adequately anchored to resist floatation, collapse and lateral movement due to the effects of wind and high velocity water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equalled or exceeded in any given year (100-year mean recurrence interval).

(ii) A licensed professional engineer shall develop or review the structural design, specifications and plans for the construction, and shall submit to the Local Administrator a written certification that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of Sections 5.3-2(1) and 5.3-2(2) (i).

(iii) There shall be no fill material used for structural support of any new building or substantial improvement of an existing structure.

(3) Space Below the Lowest Floor, Breakaway Walls

RESOLUTIONS Continued

- (i) The space below the lowest floor of all new construction or any existing building that is being altered, repaired or improved after the effective date of this Local Law shall be either kept free of obstructions or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.
- (ii) A breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls exceeding a design safe loading resistance of 20 pounds per square foot are permitted only if a licensed professional engineer or architect certifies in writing to the Local Administrator that the designs proposed meet the following conditions:
 - a.) breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
 - b.) the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Maximum wind and water loading values to be used in this determination shall each have one percent chance of being equalled or exceeded in any given year (100-year mean recurrence interval).
- (iii) The enclosed space below the lowest floor shall be used only for parking of vehicles, building access or storage. Use of this space for human habitation is expressly prohibited. The construction of stairs, stairwells and elevator shafts only are subject to the design requirements for breakaway walls in Section 5.3-2(3) (ii).

5.3-3 DISTURBANCE OF SAND DUNES

There shall be no alteration of sand dunes which would increase potential flood damage. Any disturbance of sand and/or earthen material shall be conducted in strict compliance with State or local Coastal Erosion Hazard Area regulations.

RESOLUTIONS Continued

5.3-4 SUBMISSION AND MAINTENANCE OF CONSTRUCTION RECORDS

- (1) The applicant for a Development Permit for all new construction or substantial improvements shall submit in writing to the Local Administrator the following:
 - (i) a statement certifying whether or not the structure contains a basement; and
 - (ii) the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor of the structure. The elevation shall be certified by a licensed professional engineer or land surveyor.
- (2) The Local Administrator shall maintain a record of all information required under paragraph (1) of this Section.

SECTION 6.0
VARIANCE PROCEDURE

6.1 APPEALS BOARD

- (1) The Zoning Board of Appeals as established by Town Board shall hear and decide appeals and requests for variances from the requirements of this local law.
- (2) The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Local Administrator in the enforcement or administration of this local law.
- (3) Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- (4) In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other section of this local law and:
 - (i) the danger that materials may be swept onto other lands to the injury of others;
 - (ii) the danger to life and property due to flooding or erosion damage;

RESOLUTIONS Continued

- (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (iv) the importance of the services provided by the proposed facility to the community;
 - (v) the necessity to the facility of a waterfront location, where applicable;
 - (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (vii) the compatibility of the proposed use with existing and anticipated development;
 - (viii) the relationship of the proposed use to the comprehensive plan and flood plain management program of that area;
 - (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (x) the costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
 - (xi) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - (xii) the costs of providing governmental services during and after flood conditions, including search and rescue operations maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.
- (5) Upon consideration of the factors of Section 6.1(4) and the purposes of this local law, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this local law.
- (6) The Local Administrator shall maintain the records of all appeal actions including technical information and report any variances to the Federal Emergency Management Agency upon request.

RESOLUTIONS Continued

6.2 CONDITIONS FOR VARIANCES

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xii) in Section 6.1(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (2) Variances may be issued for the reconstruction, rehabilitation or restoration of structures and contributing structures listed on the National Register of Historic Places or the State Inventory of Historic Places; without regard to the contributing structures procedures set forth in the remainder of this section.
- (3) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - (i) the criteria of subparagraphs 1, 4, 5, and 6 of this section are met;
 - (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- (4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (6) Variances shall only be issued upon receiving written justification:
 - (i) a showing of good and sufficient cause;
 - (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and

RESOLUTIONS Continued

- (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (7) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice that the cost of flood insurance will be commensurate with the increased risk resulting from lowest floor elevation.

Be it enacted this _____ day of _____, 19 ____ by the
Town _____ of _____ Riverhead _____ of
Suffolk County, New York, to be effective
upon filing with the Secretary of State.

JOSEPH F. JANOSKI, Supervisor

LOUIS BOSCHETTI, Councilman

JOHN LOMBARDI, Councilman

ROBERT PIKE, Councilman

VICTOR PRUSINOWSKI, Councilman

SEAL

IRENE J. PENDZICK

ATTEST. _____ TOWN CLERK

Dated: March 17, 1987

BY ORDER OF THE TOWN BOARD
TOWN OF RIVERHEAD, NEW YORK

IRENE J. PENDZICK, TOWN CLERK

RESOLUTIONS Continued

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#184 AUTHORIZES TOWN ATTORNEY TO OBTAIN PRELIMINARY INJUNCTION AGAINST RIVERHEAD RACEWAY.

Councilman Lombardi offered the following resolution which was seconded by Councilman Prusinowski.

WHEREAS, this Board has, by previous resolution, directed the Town Attorney's Office to bring suit for permanent injunction relief against Riverhead Raceway and World Life Entertainment, Inc. due to building and zoning violations; and

WHEREAS, such violations have not been remedied although Riverhead Raceway has advertised the opening of its racing season for April 25, 1987.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Attorney is hereby directed to make application in the Supreme Court for a preliminary injunction enjoining the opening of the racing season at Riverhead Raceway.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#185 APPOINTS CLERK TYPISTS TO JUSTICE COURT.

Councilman Boschetti offered the following resolution which was seconded by Councilman Pike.

WHEREAS, clerical vacancies do presently exist in the office of Justice Court, and

WHEREAS, the Town of Riverhead did receive from the Suffolk County Department of Civil Service the Certification of Eligibles for the position of Clerk Typist.

NOW, THEREFORE, BE IT

RESOLVED, that Carol Ellis and Dale Young be and are hereby appointed to the position of Clerk Typist at the annual rate of compensation of \$13,508.49 as set forth on Group 4, Step P of the CSEA Salary Administration Schedule, and

BE IT FURTHER RESOLVED, that the effective date of appointment of Carol Ellis be March 16, 1987 and the effective date of appointment of Dale Young be March 23, 1987.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#186 AUTHORIZES TOWN CLERK TO ADVERTISE FOR BIDS FOR READY MIXED TRAFFIC ZONE PAINT - HIGHWAY DEPARTMENT.

Councilman Pike offered the following resolution which was seconded by Councilman Boschetti.

RESOLUTIONS Continued

RESOLVED, that the Town Clerk of the Town of Riverhead be and is hereby authorized to advertise for sealed bids on Ready Mixed Traffic Zone Paint for use of the Town of Riverhead Highway Department;

AND BE IT RESOLVED, that specifications and forms for bidding be prepared by the Superintendent of Highways, and bids be returnable up to 11:00 a.m. on April 9, 1987, and be it further

RESOLVED, that the Town Clerk be and is hereby designated to open publicly and read aloud on April 9, 1987 at 11:00 a.m. at the Town Clerk's Office, Town Hall, 200 Howell Avenue, Riverhead, New York all sealed bids bearing the designation "Bid on Ready Mixed Traffic Zone Paint".

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#187 COMPELS MCDONALD'S, ROUTE 58, RIVERHEAD, NEW YORK, TO REMOVE SIGN.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, as a condition for the granting of the drive-in window, McDonald's of Route 58, Riverhead, New York, agreed to remove the large arches and McDonald's sign after a period of years; and

WHEREAS, the time for the removal of the sign has expired; and

WHEREAS, repeated requests have been made that the sign be removed and that a permit be applied for covering any new conforming sign; and

WHEREAS, the sign has not been removed.

NOW, THEREFORE, BE IT

RESOLVED, that in the event that the sign is not removed within 10 days of the date hereof, the Town Attorney shall be authorized to commence a proceeding in the Supreme Court to compel Kidder-Hunt to remove the sign; and be it further

RESOLVED, that if the said sign is not removed within 10 days of the date hereof, the building inspector of the Town of Riverhead shall revoke the certificate of occupancy covering the premises known as McDonald's, Route 58, Riverhead, New York; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Kidder-Hunt Management Corp., 10 Rabro Drive, Hauppauge, NY, by certified mail, and the Riverhead Building Department.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

RESOLUTIONS Continued#188 EXEMPTS APPLICATION FROM MORATORIUM WITHIN SOUTHWEST SECTOR.

Councilman Pike offered the following resolution to be TABLED which was seconded by Councilman Boschetti.

WHEREAS, this Town Board did declare a six-month moratorium in the southwest sector of the Town of Riverhead, and

WHEREAS, said moratorium was amended to permit the Town Board to review, on an individual basis, those applications for building permits and site plan review of either existing businesses or applications which were underway prior to establishment of said moratorium, and

WHEREAS, Aircraft Warehousing, Inc. (Joseph Picone) is seeking a building permit for the construction of a 20,000 square foot addition to an existing warehouse facility located on Route 25 in Calverton.

NOW, THEREFORE, BE IT

RESOLVED, that the application of Aircraft Warehousing Inc. be and is hereby deemed exempt from the moratorium, and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Aircraft Warehousing, Inc. and to the Riverhead Building Department.

Councilman Pike, "I have a motion to make. I'd like to motion to table so that we can continue the discussion that we started yesterday and really didn't get a chance to complete. I think there are two councilmen (at least) who would like an opportunity to decide a little bit more consistently what sort of size thresholds on improvements that we will and won't accept. I'm not sure that this one, after that analysis, would not go through. But I think we've got to draw the line somewhere and we haven't yet."

The vote, Boschetti, yes, Pike, yes, Prusinowski, no, Lombardi, no, Janoski, no.

The resolution was thereupon duly declared denied to be TABLED.

Councilman Lombardi offered the above resolution which was seconded by Councilman Prusinowski.

The vote, Boschetti, no, Pike, no, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#189 AMENDS SITE PLAN APPROVAL OF G. MILLER MACHINE CO., INC.

Councilman Boschetti offered the following resolution which was seconded by Councilman Pike.

WHEREAS, site plan approval was granted to Douglas J. Miller (a/k/a G. Miller Machine Co., Inc.) on August 20, 1985, to construct and operate a machine shop located on real property located on the south side of Pulaski Street, Riverhead, New York; and

RESOLUTIONS Continued

WHEREAS, applicant now wishes to amend his site plan to include a 6-foot high retaining wall on the northerly elevation; and

WHEREAS, it is the desire of the Town Board to amend said site plan.

NOW, THEREFORE, BE IT

RESOLVED, that the site plan of Douglas J. Miller (a/k/a G. Miller Machine Co., Inc.) originally approved on August 20, 1985, be amended according to the revised site plan of Guldi and Showers dated February 9, 1987, to include the 6-foot high retaining wall on the northerly elevation of the real property located on the south side of Pulaski Street, Riverhead, New York; and be it further

RESOLVED, that applicant shall replace the storm water drainage pipe from the south side of Pulaski Street; and be it further

RESOLVED, that applicant shall provide a screen planting along the perimeter of the retaining wall to be of Hicks yews 3-foot on center; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to G. Miller Machine Co., Inc. and the Building Department.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#190 SETS POLICY RE: TEMPORARY BOAT RAMP

Councilman Boschetti offered the following resolution which was seconded by Councilman Pike.

WHEREAS, this Town Board recognizes the desire of its residents to participate in recreational boating and fishing activities; and

WHEREAS, there are not any permanent and/or operational Town boat ramp installations for access to the Long Island Sound; and

WHEREAS, recreational fishermen have requested that the temporary boat ramp be placed at the Iron Pier location prior to the start of the 1987 fishing season; and

WHEREAS, this Board is advised that a temporary boat ramp provides a minimally tolerable surface for the loading and unloading of small boats.

NOW, THEREFORE, BE IT

RESOLVED, that usage of such ramp shall be restricted to Riverhead residents; and be it further

RESOLVED, that the owner of any vehicle blocking or impeding the use of the ramp by others for any reason (as getting stuck in sand, vehicle breakdown, etc.) will have that vehicle towed away at that owner's sole expense, and be it further

RESOLVED, that all risks connected with the usage of such ramp will be borne solely by and be the responsibility to potential users be erected and maintained in a manner prescribed by the Town Attorney.

RESOLUTIONS Continued

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Supervisor Janoski, "A very Happy St. Patrick's Day to all of you. Many members of the Board will be found celebrating the day at one of our favorite businesses downtown. Meeting adjourned without objection."

There being no further business on motion or vote, the meeting adjourned at 9:04 p.m.

IJP:nm



Irene J. Pendzick
Town Clerk